

REMARKS

Claims 6-10, 12-15, 17, 19 and 25-32 are in the case and presented for reconsideration. Claims 11, 16, 18, 20, 21, 22, 23 and 24 have been canceled. Claims 6, 9, 10, 12, 13, 14, 15, 17, 19, 25, 26 and 29 have been amended. The support for these amendments can be found in Applicants' specification, for example, page 16, line 5-18. No new matter has been added.

As per the phone conversation on December 4, 2007 with Examiner Ramirez (interview), this Amendment, originally filed on September 10, 2007, which is taken from the original claims, is being resubmitted. The Interview revealed that the Examiner should disregard the Applicant's Amendment filed on May 23, 2007 as it contains errors and has been declared noncompliant by the Patent Office. It was explained to the Examiner how a text in the original claim language was inadvertently deleted without using the strike through format for the Amendment. Examiner Ramirez instructed Applicant's representative to resubmit and summarize the Interview conversation. This current Amendment uses the correct Amendment Format and is being submitted for reconsideration along with a separate Statement of Substance of Interview.

Claim 6 has been amended in order to more particularly point out an apparatus for use in an invasive medical procedure comprising a wireless position sensor which transmits signals for determining six position and orientation coordinates of the position sensor and a signal processing unit for receiving the signals from the position sensor and determining six position and orientation coordinates of the position sensor.

Claim 25 has been amended in order to more particularly point out an apparatus for use in an invasive medical procedure comprising a wireless position sensor wherein the wireless position sensor transmits signals for determining six position and orientation coordinates of the wireless position sensor and a signal processing unit for receiving signals from the position sensor and the determining six position and orientation coordinates of the position sensor.

Claim 26 has been amended in order to more particularly point out an orthopedic implant comprising a signal processing unit for receiving the position signals and determining six position and orientation coordinates for the first and second wireless position sensors that are respectively fixed to the first and second joint element of the implant.

Claim 29 has been amended in order to more particularly point out an invasive medical apparatus for comprising a signal processing unit for receiving the position signals and determining six position and orientations coordinates with a wireless position sensor.

Claim 6, 13, 15, 16, 19, 23-25 have rejected under 35 USC §102(b) as being anticipated by US Patent No. 6,366,817 (Kung). Claims 7-12, 14, 17-18, 20-22 and 26-32 have been rejected under 35 USC §103(a) as being unpatentable over Kung, in view of US Patent No. 6,206,835 (Spillman, Jr. et al.) in further view of US Patent No. 6,216,026 (Kuhn et al.) and in further view of US Patent No. 7,001,346 (White) and US Patent No. 5,755,748 (Borza).

It is important to note that none of the cited prior art references teach, suggest or even infer the novel combination of elements found with Applicants' independent claims 6, 25, 26 and 29 as amended. Particularly, none of these prior art references teach, suggest or even infer an apparatus for use in an invasive medical procedure, orthopedic implant or invasive medical apparatus that has a combination of elements such as sound with Applicants' claimed present invention including a wireless position sensor that transmits signals for determining six position and orientation coordinates of the wireless position sensor and a signal processing unit for receiving signals from the positions sensor and determining six position and orientation coordinates of the position sensor.

Accordingly, by this amendment and for the reasons outlined above, Applicants' claimed present invention as amended is neither anticipated by nor rendered obvious by the cited prior art references, and favorable action is respectfully requested.

Respectfully submitted,

By: /Louis J. Capezzuto/
Louis J. Capezzuto
Reg. No. 37,107

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2218
Dated: January 9, 2008